

Appl. No. 10/664,373  
Docket No. 7792C  
Amdt. dated April 12, 2010  
Reply to Office Action mailed on October 13, 2009  
Customer No. 27752

## REMARKS

### Claim Status

Claims 1-2 are pending in the present application. No additional claims fee is believed to be due. Claims 3 and 4 are canceled without prejudice.

Independent claim 1 has been amended to include the features of a predetermined ornamental visual image that is a cartoon character, the first and second incomplete image elements are elements of the cartoon character that are missing from the third incomplete image element to complete the cartoon character and the cartoon character is visible and complete when the side panels are secured to the first waist region and the first, second and third incomplete image elements together complete the cartoon character

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

### Rejection Under 35 USC §102(e) Over Pozniak

Claims 1-2 stand rejected for reasons of record at pages 2 and 3 of the Office Action. Applicants submit that independent claim 1 has been amended to include the features of now canceled dependent claims 3 and 4. Newly amended claim 1 now recites the features of a predetermined ornamental visual image that is a cartoon character, the first and second incomplete image elements are elements of the cartoon character that are missing from the third incomplete image element to complete the cartoon character and the cartoon character is visible and complete when the side panels are secured to the first waist region and the first, second and third incomplete image elements together complete the cartoon character. It is Applicants' position that the amendment overcomes the rejection.

### Rejection Under 35 USC §103(a) Over Pozniak in view of Fidler

Claims 3-4 have been rejected under 35 USC §103(a) as being unpatentable over Pozniak in view of Fidler. The Office Action states that "Fidler teaches a closing mechanism that includes an adjustable image that includes the image of a cartoon character." The Office

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Action summarizes that it would have been obvious to “substitute the visual image of Pozniak with the image taught by Fidler because Pozniak recognizes the use of various images and the substitution of one type of a visual element for another is within the level of ordinary skill in the art.” The Office Action also summarily concludes that “Pozniak discloses first and second incomplete image elements that are missing from a third incomplete element” and that “Fidler provides the image as a cartoon character.” Applicants respectfully disagree. Neither Pozniak nor Fidler teach or even remotely suggest a predetermined ornamental visual image (formed by first, second and third incomplete image elements) that is a cartoon character, where the first and second incomplete image elements are elements of the cartoon character that are missing from the third incomplete image element to complete the cartoon character and the cartoon character is visible and complete when the side panels are secured to the first waist region and the first, second and third incomplete image elements together complete the cartoon character.

As a result, it is Applicants’ position that the Office Action fails to establish a prima facie case of obviousness.

Reconsideration and withdrawal of the rejections are therefore respectfully requested.

#### Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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